

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
(Boston Division)

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UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

v.

STEVEN E. NOTHERN,

Defendant.

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Civil Action No. 05-10983 (NMG)

**ORAL ARGUMENT REQUESTED**

**DEFENDANT STEVEN NOTHERN'S MOTION TO COMPEL PRODUCTION  
OF JUSTICE DEPARTMENT DOCUMENTS IN THE SEC'S POSSESSION**

Pursuant to Federal Rule of Civil Procedure 37(a) and Local Rule 37.1, and for the reasons set forth in the accompanying memorandum of law, defendant Steven E. Nothorn hereby moves for an order compelling the plaintiff Securities and Exchange Commission to produce the following Bates-stamped documents listed on its privilege log: SECNOTH 136630-648, 136650-654, 136667-671, 136655-658, 136672-675, 136779-782, 136661-666, 136678-683, and 137300-310.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Steven E. Nothorn hereby requests the Court to schedule an oral argument in connection with his Motion to Compel.

STEVEN E. NOTHERN

By his attorneys,

/s/ John A. Shope  
Nicholas C. Theodorou, BBO #495730  
John A. Shope, BBO #562056  
Robert E. Toone, BBO # 663249  
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**CERTIFICATION PURSUANT TO LOCAL RULES 7.1(A)(2) AND 37.1**

I, John A. Shope, hereby certify that on January 29, 2007, as set forth in the accompanying memorandum of law, I conferred with counsel for the SEC and attempted in good faith to resolve or narrow the issues raised in the present motion.

/s/ John A. Shope

Dated: February 7, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ John A. Shope